



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009874

Applicant Name: Meredith Wirsching for Arena Sports, Inc.

Address of Proposal: 7400 Sand Point Way NE

SUMMARY OF PROPOSED ACTION

A Land Use Application to change the use from Institution (public assembly) and Craft Work (intermittent film studio) to Indoor Participant Sports and Recreation, in an existing 85,772 sq. ft. building. Surface parking for the required 172 spaces will be located to the east of the building. The project includes 2,804 sq. ft. of new (interior) mezzanine, a new exterior ramp, repair and maintenance to the existing structure including interior renovations, roof and window repair and exterior painting.

The following approval is required:

Shoreline Conditional Use - To change one non-conforming use to another non-conforming use not permitted in the Conservancy Management (CM) Environment. (SMC 23.60.122)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

The subject site, one of approximately thirty (30) underlying parcels that constitute what is now known as Magnuson Park, is located on the east side of Sand Point Way NE, on the shore of Lake Washington. The Park property was previously owned and operated by the Federal Government as Sand Point Naval Base. Access to the site at large is from Sand Point Way NE via a main gate at NE 74th Street, or a more informal entry point at NE 65th street. A gated entry

at NE 80th street (also known as NE NOAA Way) runs along the southern property line of the subject site. This entry only provides employee access to the NOAA building to the east of the project property. Most of the Park site was acquired by the City from the Federal government in July of 1996. The parcel under review for this Decision was leased by National Oceanic and Atmospheric Administration (NOAA) from 1996 until 2000. Final transfer of the subject property and the building, known as Building 27, to the City of Seattle Parks Department, was completed in 2002. The property that borders the east property line of the subject site is still leased by NOAA from the Navy. There are additional Magnuson Park lands to the south and west. In aggregate, this area (including the lot under review) is known as the Northshore Recreation Area and a Northshore Recreation Area Plan has been adopted.

Building 27 is the only structure on the property under review and is proposed for reuse as Indoor Participant Sports and Recreation (including indoor sports field and a gym). Since City ownership in 2002 use of the site has included intermittent events such as plant, book and craft sales, theater performances, large group meetings for different organizations, sport events and movie production. The 82,968 square foot building is 50 foot high and was originally built as an airplane hangar with floor area that included storage and offices. The park land from the subject site to the Sand Point Way NE (to the west) is approximately 15 feet below the surface of the roadway.

The project site is located within a Single Family 7200 (SF-7200) zone with a Sand Point Park Overlay. In addition, the northern third of Building 27 and the northern paved portion of the lot (approximately 18,000 square feet of building and 90,000 square feet of dry land) fall within the Conservancy Management Shoreline (CM) Environment. The site under review is bordered to the north by water and the northern portion of the lot includes approximately 60,000 square feet of submerged land. The approximately 300 lineal feet of shoreline on the site is armored with a concrete bulkhead and includes a public access non-motorized boat launch at the northeast corner of the lot. A shoreline restoration project was recently completed on the Park parcel to the northwest of the subject site.

Development in the surrounding area (outside of the Park) consists of a mixture of multi-family and single-family residential uses. The zoning changes to single family (SF5000) at the northern boundary of the Park (approximately 1,000 feet from the subject site). Zoning on the west side of Sand Point Way NE is multifamily, Lowrise 3 (L-3) and Lowrise 3 RC (Residential Commercial), which allows for some limited commercial operation. The Burke Gilman Trail runs between the multi-family zone and the Single Family (SF5000) zoning that surrounds the Sand Point County Club which begins west of the trail.

Proposal

The proposal is to change from one non-conforming use, Institution (public assembly) and Craft Work (intermittent film studio use) to another nonconforming use, Indoor Participant Sports and Recreation in a CM Shoreline environment (per the criteria found at SMC 23.60.034). The project includes: three indoor sports fields, basketball courts, a health club with multipurpose and exercise rooms and accessory laundry, concessions, childcare room, offices, party room, lockers and storage in an existing 82,968 square foot building. The required 172 parking spaces will be provided to the east of the existing building in an existing parking lot. The subject site includes a total of 454 parking spaces including at least a dozen parking spaces at the shoreline related to use of an existing boat launch. A 2,804 square foot mezzanine addition to the existing building is proposed as part of the project, for a total building area of 85,772 square feet. All other work

will be routine repair and maintenance, such as replacing windows and painting. The main entry will change from the north side to the east side of the building and a new mechanical system is proposed for the roof top. The City of Seattle Parks Department (the property owner) proposes contracting with a private company to operate the proposed recreation facility. An assessment of the project relative to the Sand Point Historic Properties Reuse and Protection Plan was done by the Sand Point Historic Preservation Coordinator and per Covenant the project needs approval from the Washington State Historic Preservation Officer.

The proposed use is permitted outright in the Sand Point Park Overlay but requires Shoreline Conditional Use approval in the CM Shoreline Environment.

Public Comment

The public comment period started on April 9, 2009 and ended on May 8, 2009. One written comment was received and one phone call was received both asking for additional information.

SHORELINE CONDITIONAL USE ANALYSIS

Land use policies and regulations that pertain to the use of the subject site include: City of Seattle Comprehensive Plan (2000) and the Seattle Parks and Recreation Plan (Sub-Area B, Planning Area 4, Northshore Recreation Area, 2000); the City's Land Use and Zoning Code, including the Sand Point Overlay District and the Shoreline Overlay District (which includes general provisions in the Shoreline Master Plan (SMP), and specific regulations in the Conservancy Management Environment (CM)); the City's regulations for Environmentally Critical Areas (SMC 25.09); the Sand Point Physical Development Management Plan (City of Seattle, 1997) and the Sand Point Historic Properties Reuse and Protection Plan (EDAW, Inc., 1998).

The proposed use (Indoor Participant Sports and Recreation) is permitted outright in the Sand Point Park Plan and the Sand Point Overlay District. The proposal to change one existing non-conforming use to a different non-conforming use in a Shoreline environment is permitted as a shoreline conditional use per SMC 23.60.122.D. The criteria for Shoreline Conditional Use approval are found in SMC 23.60.034.

A Shoreline Substantial Development Permit Exemption was granted on March 23, 2009 under project number 6203388. This review is to determine if the proposal to establish the use Indoor Participant Sports and Recreation should be allowed in that portion of the lot within 200 feet of the ordinary high water mark of Lake Washington, which is governed by the Shoreline Master Plan (SMP), as a shoreline conditional use.

SMC 23.60.122.D reads (in part):

The change of one (1) nonconforming use to another use not permitted in the shoreline environment may be authorized as a conditional use by the Director with the concurrence of the Department of Ecology if the Director determines that the new use is no more detrimental to the property in the shoreline environment and vicinity than the existing use and the existing development is unsuited for a use permitted in the environment, and if the criteria for conditional uses in WAC 173-27-160 are satisfied.

The criteria for approval under WAC 173-27-160 will be discussed below. The following analysis will review the potential impacts of the proposed non-conforming use in order to

evaluate whether the proposed change of use *is no more detrimental* than the existing non-conforming use and if the existing development is unsuited for a use permitted in the environment.

The existing use, Institution, is permitted in the underlying single family zone with administrative conditional use approval. The underlying single family zone would also permit indoor sports facilities (such as sports fields and / or gymnasiums) accessory to a school or community center as an ACU. The proposed Indoor Participant Sports and Recreation, is permitted outright in the Sand Point Overlay District and is comparable with other uses which are permitted by the ACU in the underlying zones.

Another measure of impact is the number of employees and clients expected at the site. The intermittent assembly and sport events held at the site in the past five years are similar to the proposed use in terms of number of people (staff and attendees) however; the proposed use would operate more frequently(daily vs. intermittently). Daily attendance is anticipated due to the addition of the proposed gym facilities and increased scheduled use of the sports fields. The applicant reports a building capacity of 811 (per the building code) which includes a staff of 35. However the building is not expected to operate at capacity on a daily basis and the number of people on site over the course of a day is expected to be less than half the given capacity of the entire facility. The extent of full capacity events is unknown at this time but is expected to be similar to past use (one every other month).

With the shoreline so close (within 200 feet) it can reasonably be expected that at least some of the increased number of clients attending the proposed sport arena will also visit the shoreline (such as parents waiting for soccer practice to end) and it is appropriate to mitigate the increased impact to the shoreline by removing invasive species at the shoreline and replanting with native species (per SMC 23.60.152). This will be discussed further in the analysis below for the Conditional Use of the shoreline.

Other measures of the potential impact of the proposed use, such as parking, traffic, light and noise, are considered in the following discussion. As noted above, the existing and proposed use of the building share many characteristics (such as number of patrons, type of activity, traffic and parking patterns, and noise levels) and there is only expected to be a distinction with regard to duration of use (daily vs. intermittent).

With regard to parking: The applicant reports that almost three times the number of required parking spaces for the proposed use are available on the subject site (172 spaces required by the land use code, 454 spaces existing). Parking demand (number of spaces and length of stay) for the proposed sports field use is expected to be similar to parking demand for the existing use. However, the site will experience an increased daily demand for parking due to expected daily use of the proposed gym facility and a more regularly scheduled use of the sports fields.

In order to preserve the current circulation patterns within the park all employee and visitor parking is expected to be to the east of the building as shown on the plans. There is a potential for parking volumes and patterns to restrict or displace parking associated with the existing non-motorized boat launch at the site and signage and striping of parking stalls (that can accommodate boat trailers) is appropriate to mitigate the increased use of the site. This will also be discussed under the criteria for the Shoreline Conditional Use (below).

With regard to traffic: The ITE Manual category for Recreational Community Center (#495) most closely represents both the existing and the proposed uses and will be used for the purpose of this review. According to the rates indicated in the ITE Manual, 139 trips might be expected

for the existing and the proposed use in the “am peak hour” (7-9 am) and 141 trips might be expected during “pm peak hour” (4-6 pm).

The numbers provided in the ITE Manual are mitigated in two ways: 1) peak hours for the sports and recreation use are expected to be off-set from commute peak hours; and 2) during am peak commute hours only the gym portion of the building (less than a third of the building) is expected to be in use, significantly reducing the expected trips reported in the ITE Manual. The peak hours, for the (existing and) proposed use are expected to be off-set from commute peak hour times because the type of activities expected are typically scheduled prior to work (as in the case of the proposed gym) or following the work day and on weekends (as is the case with soccer or other sports that take place in Building 27).

Weekday evenings and weekend afternoons are the peak trip times for the existing and proposed uses. According to the ITE Manual, one hundred and nine (109) pm peak hour trips are expected on Saturday afternoons and 127 peak hour trips might be expected on a Sunday afternoon.

Vehicle circulation patterns to, from and on the site are not expected to change however travel lanes will be more clearly striped as a result of the change of use and the Parks Department will continue to have the ability to request cooperation from NOAA, on an occasional basis, to open up a gate at the southeast corner of the lot to relieve congestion associated with exceptionally large events.

A transportation analysis done (by The Transpo Group) as part of the 2003 Environmental Impact Statement (EIS) for sports field and sport courts on a different part of the Park included a comprehensive look at traffic impacts. The study found an “A” level of service at the gate to the Park during afternoon peak hour (between 4 and 6 pm), which indicates free flowing traffic. It would take hundreds of additional trips to reduce the function at the main gate to a failed rating. The proposed use is not expected to impair the traffic flow at the main Park entrance (at 74th Ave NE) or along Sand Point Way NE and no further mitigation is required to maintain traffic conditions similar to the current use of the building.

With regard to lighting: The existing exterior light fixtures on the building have not been in use for some time however, the proposed renovation includes reactivation of the exterior lighting. There are three wall mounted, shielded, flood lights on the east façade to illuminate the parking area. On the west façade, a series of florescent lighting fixtures (each 4ft long, spaced approx 8ft apart, for a total of 36 fixtures along the 320 ft long façade) mounted below the old hangar door track (at a height of approximately 40 feet), that will be directed at the lower portion of the building façade. Electric signage is proposed over the entry on the west façade and a compact florescent fixture is proposed over the side door on the north façade.

Parks Department guidelines that state that the maximum lighting level at the nearest residential property line should not exceed 0.8 vertical foot-candles will be met as the proposed lighting will dissipate to 0.5 vertical foot-candles at approximately 20 feet from the building (the nearest off-site residential use is approximately 500 feet away). A condition requiring documenting compliance with lighting guidelines, on the plans, will be added to this Decision.

With regard to odor: The location of venting (odors) will be reviewed under the tenant improvement permit for conformance with zoning code regulations. Odor from venting of the gym and concession areas is not expected to generate adverse impacts and is expected to be minor in nature.

With regard to noise: No amplified noise is proposed or expected inside or outside the proposed facility. Noise related to the number of people using the facility and rooftop mechanical system will fall under the regulation of the existing Noise Ordinance and are not expected to require mitigation. Mechanical noise will be reviewed for compliance under the tenant improvement permit.

Given the similarity between the existing and proposed uses, the continuation of similar traffic volumes and circulation patterns, the distance from the existing building to other buildings on the site, to the shoreline and to residential uses outside of the park, together with the application of existing ordinances during review of the construction permit, use impacts are expected to be minor. However there will be an increased duration (daily vs. intermittent) in use of the site that will have an impact. In order to mitigate the identified impacts for the daily increase in parking and use of the site Conditions for replanting along the shoreline and signage and striping of existing parking associated with an existing boat launch are appropriate. Documentation of proposed lighting levels will be required to ensure compliance w/ Parks Department guidelines.

In addition, in order to ensure the continued accessory scale of operations for the proposed concessions at the facility a condition of this Decision restricting outdoor sales and external signage is appropriate.

Due to the nature of the previous military use of the existing structure, as an air plane hangar, extensive alterations would be needed to the building to accommodate any of the permitted uses for the Conservancy Management environment listed in SMC 23.60.420, 422, 424, 426 and 428. The existing development of the site is not suited for uses permitted in the shoreline environment.

SMC 23.60.034

SMC 23.60.034, requires a Shoreline Conditional Use approval for the proposed use in that portion of the building (the northern one-third) that is located within the Conservancy Management (CM) Shoreline Environment, if the criteria for a conditional use found in WAC 173-27-160 are satisfied.

The purpose of a shoreline conditional use permit under WAC 173-27-160 is:

To allow greater flexibility in varying the application of the use regulation of the [State] master program in a manner consistent with the policies of RCW 90.58.020: Provided, that conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of a policy enumerated in RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use.

- 1. Uses which are classified or set forth in the applicable [local] master program as conditional uses may be authorized provided that the applicant can demonstrate all of the following:*
 - (a) That the proposed use is consistent with the policies of RCW 90.58.020 and the policies of the master program.*

The policies of RCW 90.58.020 provide for management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses, allowing development in a manner which will promote the public interest (as defined in the State Shoreline Master Plan). It states, in part, that; “permitted uses in the shorelines of the state shall be designed and conducted

in a manner to minimize, insofar as possible, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water" and *"Increased recreational opportunities for the public in the shoreline"* is the sixth of seven criteria (to be applied in ranked order) to evaluate preferred uses in the shoreline environment (RCW 90.58.020(6)).

The City of Seattle Shoreline Master Plan provides the goal for the Conservancy Management (CM) Environment (SMC 23.60.220.C.4.a) and states: *"The purpose of the CM shoreline environment is to conserve and manage areas for public purposes, recreational activities and fish migration routes. While the natural environment need not be maintained in a pure state, developments shall be designed to minimize adverse impacts to natural beaches, migratory fish routes and the surrounding community."*

As stated above, the proposed reuse of the existing building for covered sports fields and a gym is consistent with adopted plans for the park and will provide for increased recreational activity. The use is also consistent with the recreational purpose of the CM environment. In addition, in the required Conservancy Management Shoreline Environment view corridors (not less than thirty five percent of the lot width) are to be provided and maintained on waterfront lots (SMC 23.60.458). Reuse of the existing building retains the existing view corridor of fifty percent of the lot width (approximately 300 feet) and the proposed use will not interfere with migratory routes, nor are adverse impacts to natural beaches and the surrounding community anticipated as a result of the proposal. The increased daily use of the site is expected to contribute to increased shoreline access. It is appropriate to replant the limited portions of the shoreline area on the site that are not part of the concrete bulkhead or the concrete boat launch with native vegetation.

(b) That the proposed use will not interfere with the normal public use of public shorelines:

The subject site includes a (non-motorized) boat launch ramp that is recognized in the Park's Northshore Recreation Area Plan. Access to parking proposed near the main entrance to the building cuts between the north façade of the building and the existing bulkhead at the shoreline which is lot area that is within the CM shoreline environment (approximately 18,000 square feet of the building and 90,000 square feet of the paved portion of the lot). In order to ensure continued access to the shoreline and the existing boat ramp on the site, conditions for marking the area and posting reserved parking signage associated with the boat launch area are appropriate.

In addition, a small area (approximately 12,000 square feet, also within the CM shoreline environment) in the northwest corner of the lot is also used to support recreational use of the waterfront, as provided for in the Northshore Recreation Area Plan, by providing fenced boat storage. The storage area on the subject site is only a portion of the entire (46,000 square foot) fenced boat storage area on the underlying abutting parcel to the north and west of the subject site. In order to ensure continuation of the shoreline recreation use, it is appropriate to include a condition of approval of this Decision for the boat storage on the subject site to remain in support of shoreline recreational use.

The proposal as Conditioned by this Decision, located on the dry land portion of the waterfront lot in an existing building, will not interfere with the normal public use of the public shoreline including the view corridor, a boat launch with related parking and a boat storage area. Conditions of approval for this Decision will preserve the existing shoreline recreational uses.

(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline program:

The proposed use of the site is called out in the Sand Point Park Plan and does support the spirit of the Shoreline Master Plan for the CM environment to provide for recreation. The 1992 update to the Comprehensive Plan added specific goals for Sand Point including a general goal to provide for recreational opportunities (Policy LU2) and a specific goal to provide for a recreation center with a gym in Planning Area 4 of the Park (PLU5).

As noted above, the view corridor, boat launch and boat storage will remain. In addition the applicant proposes many Public Benefits as part of the public / private agreement to operate the indoor participant sports facility (such as scholarships and free or reduced cost for use of the facilities).

All of the proposed work on the building falls under routine maintenance and will maintain the historical integrity of the hangar building as verified by the Sand Point Historic Preservation Board and the State Historic Preservation Officer.

The use and design of the project are compatible with other existing and planned uses in the Northshore Planning Area and the Park as a whole.

(d) The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located: and

Due to the increased use of the site, the Shoreline Master Plan (SMC 23.60.152 A & H) requires that mitigation be provided, as required, for protection of the shoreline. Shoreline restoration work was recently completed on an adjacent park parcel, to the northwest of the subject site, in order to restore the ecological function (fish habitat) of the shoreline. No changes are proposed to the existing concrete bulkhead on the subject site however, there are three areas along the bulkhead where invasive plant species (such as blackberry and other “weeds”) have begun to take root. It is appropriate to provide for the revegetation of these three areas (at the west and east ends of the existing bulkhead and to the east of the existing boat launch, with native species similar to those established on the adjacent park parcel in conjunction with the recent shoreline restoration project.

In order to assure consistency with the City’s Shoreline Master Plan, review by the Department of Planning and Development’s Shoreline Planner found that *“The proposed use as conditioned is consistent with [these] general standards for development within the shoreline area, thereby minimizing any adverse impact to the shoreline environment, to water quality, to the natural shoreline processes, and the surrounding land and water uses”*.

(e) That the public interest suffers no substantial detrimental effect.

As Conditioned by this Decision, (for boat storage and access to the non-motorized boat launch as discussed above) the proposed development will not interfere with the public access to the shoreline, the view corridor or other water related uses in the Northshore Area of the Park and the City Shoreline Planner found *“that (as conditioned) the development will not cause adverse impacts to the sensitive nearshore environment of Lake Washington and the use proposed should provide economic vitality and provide services to the surrounding community in the long-term”*. Further, Public Benefits will be provided as documented in the Lease Agreement between the City of Seattle Parks Department and Arena Sports Inc., including but not limited to: free and

reduced access to the facility for Parks Department sponsored sports leagues and scholarships for qualifying program participants.

2. *In granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for the other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.*

The cumulative effect of similar proposals (as conditioned by this Decision): to reuse a existing structure for a use that is consistent with the Park and Shoreline Overlay Districts; to reuse existing parking, to remove invasive plants and provide for shoreline revegetation with native plant species; and where shoreline access and the view corridor are maintained, would not be expected to produce substantial adverse effects to the shoreline environment.

3. *Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided that applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.*

The SMP (23.60.034 Criteria for Shoreline Conditional Use) states:

Uses or developments which are identified in this chapter as requiring shoreline conditional use approval, and other uses which, although not expressly mentioned in lists of permitted uses, are permitted in the underlying zones and are not prohibited in the Shoreline District, may be approved, approved with conditions or denied by the Director in specific cases based on the criteria in WAC 173-27-160, as now constituted or hereafter amended, and any additional criteria given in this chapter. Upon transmittal of the Director's approval to the Department of Ecology (DOE), the permit may be approved, approved with conditions or denied by DOE.

Indoor Participant Sports is not mentioned in the SMP however recreation is a preferred use in the state and local Shoreline Master Plan. The use proposed is specifically called out in the Sand Point Master Park Plan and as condition by this Decision will be compatible with the criteria for granting a Shoreline Conditional Use. This Decision will be forwarded to DOE for review.

4. *Uses, which are specifically prohibited by the master program, may not be authorized pursuant to either subsection (1) or (2) of this section.*

The proposed use, Indoor Participant Sports and Recreation, is not specifically prohibited by the City's Shoreline Master Plan and it is permitted outright in the Sand Point Park Master Plan.

Summary

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district. The broad shoreline goals in the Seattle Comprehensive Plan's Land Use Element are to: 1) establish shoreline uses that result in long-term over short-term benefit; 2) plan for and encourage the integration and location of compatible uses within segments of the shoreline; 3) locate all non-water dependent uses upland to optimize shoreline use and access; 4) provide a management system that will plan for and permit all reasonable and appropriate use through a system of priorities; and 5) protect those areas of shoreline that are geologically

dangerous or fragile, or biologically fragile. DPD has reviewed the project and has found that; *“the proposed development will meet these goals, as conditioned, in that the development will not cause adverse impacts to the sensitive nearshore environment of Lake Washington and the use proposed should provide economic vitality and provide services to the surrounding community in the long-term”*.

The proposed use, Indoor Participant Sports and Recreation, is similar to some of the intermittent uses that have occurred in the existing building over the past five years. Some impacts related to the increased (daily, year around) operation of the proposed use have been identified however, as conditioned by this Decision, the proposed use is not expected to prevent or interfere with the public interest in, or the public access to, the shoreline or to pose any detrimental effects to the shoreline environment. The proposed use is permitted outright in the Sand Point Overlay District and the Park Master Plan and recreation is a preferred use called out in the State regulations governing shorelines.

The existing and proposed non-conforming uses share several characteristics that are similar however there will be increased daily use of the site which warrants Conditions for revegetation of the shoreline, signage and striping for parking related to the boat launch on the site and restrictions on the operations of the concessions operations.

With the conditions identified in this Shoreline Conditional Use Decision the new use is no more detrimental to the property and vicinity than the existing use. The existing structure is suited to the proposed Indoor Participant Sports and Recreation use, which is called out in the Park Plan and is compatible with the shoreline recreation use. Improvements such as security lighting and improved striping in the parking lot are welcomed by the Parks Department as benefits to the Park. In addition, the use of a boat launch ramp and the boat storage yard on the site will be preserved. The proposed use is similar to the past uses of the site (i.e. soccer games), is suited to the existing (historic) building with minimal renovation and is aligned with both the Park and Shoreline overlay districts.

As conditioned by this Decision, the impact to the shoreline environment due to the increased use of the site will be mitigated with the planting of native plants along the shoreline, the boat storage, boat launch and view corridor on the site are maintained and the proposed use would not preclude future improvements to the shoreline on this lot or development of other shoreline specific recreational uses in the area.

DECISION – SHORELINE CONDITIONAL USE

The Shoreline Conditional Use to allow a change the use from one non-conforming use (Institution (public assembly) and Craft Work (intermittent film studio) to another non-conforming use (Indoor Participant Sports and Recreation), in an existing building, on waterfront lot, in a Conservancy Management (CM) Environment is **CONDITIONALLY GRANTED.**

CONDITIONS– SHORELINE CONDITIONAL USE

For the life of the project

1. Preserve access to the existing non-motorized boat launch at the northwest corner of the lot by posting “No Parking” and “Do Not Block” signage at the boat launch area (not more than 3 feet east of the boat launch and **not** within the revegetated shore area).

2. Preserve the existing parking associated with the boat launch by striping 12 spaces 40 feet long and 10ft wide (per the Parks Department's standards) approximately 50 feet south of the existing bulkhead (and to the west of the non-motorized boat launch).
3. Provide signage for the existing vehicle and trailer parking which states "This parking is reserved for use related to boat launching."
4. Provide shoreline access by striping a (minimum) three foot wide pedestrian walkway along the bulkhead to allow for tying off of boats.
5. Provide signage associated with the public access that reads: "This area to remain clear for pedestrian access **or** place tire stops (or other approved barrier) sufficient to keep vehicles from blocking the (minimum 3 foot wide) pedestrian access along the bulkhead.
6. Remove all invasive plant species along the shoreline (to the east and west of the boat launch and at the west end of the bulkhead) and replant with native vegetation, (with species provided for in the previously approved Parks Department Northshore Shoreline Restoration Plan).
7. Concessions (food sales) shall remain accessory to the operation of the recreational use with no external food service operations or external signage.
8. A portion of the lot, equaling approximately 12,000 square feet in the northwest corner, shall remain in use as fenced boat storage.
9. Required parking (172 spaces) for the Indoor Participant Sports facility staff and visitors shall be located on the east side of the (existing) Building 27 as proposed on the approved plans.

Prior to issuance of the MUP and Construction permits

10. Revise the elevations in the Master Use and Construction Plans to document compliance with Parks Department's guidelines for lighting (i.e. provide additional information on the size of fixture, direction of lighting, illumination levels, spacing, location, height and the type of exterior lighting proposed). To be reviewed by the Land Use Planner prior to issuance of the MUP.
11. Revise the Master Use and Construction plans to include striping for the existing parking associated with the boat launch at the site and pedestrian access along the bulkhead, access to the existing boat launch, signage for the pedestrian access and parking and a planting plan per conditions 1 – 6.

Signature: _____ (signature on file) Date: November 5, 2009
Justina Guyott, Land Use Planner
Department of Planning and Development

JG:lc